

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Neil L. Mayle et al.

Patent No.: 6,542,936

Issued: April 1, 2003

For: Method and System for Creating
Messages Including Image Information

Group Art Unit: 2154

Examiner: Zarni Maung

Confirmation No.: 8145

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(b)

Assignee, FotoMedia Technologies, LLC, is the owner of 100 percent interest in the instant patent.

Pursuant to 37 CFR 3.73(b), the assignment of the present patent from the inventors, or chain of title from the inventors, is below:

1. From: Neil L. Mayle and David L. Rose
To: YoBaby Productions, LLC
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To: FotoMedia Technologies, LLC
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Also pursuant to 37 CFR 3.73(b), the undersigned has reviewed all the evidentiary documents accompanying or referred to in this Terminal Disclaimer, and to the best of undersigned's knowledge and belief, certifies that title is in the Assignee.

Assignee, through its attorneys, hereby disclaims, except as provided below, the terminal part of the statutory term of the present patent that would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 of U.S. Patent No. 6,018,774 (hereinafter "the prior patent"), as shortened by any terminal disclaimer filed prior to the grant of the prior patent. Assignee, through its attorneys, further agrees this patent shall be enforceable only for and during such period that its legal title is the same as the legal title of the prior patent, this agreement to run with this patent and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of this patent that would extend to the expiration date of the full statutory term of the prior patent as defined in 35 USC 154 to 156 and 173 in the event the prior patent terminates prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent.

Examples of such non-applicable termination of the prior patent are as follows:

(1) prior patent expires for failure to pay a maintenance fee; (2) prior patent is held unenforceable; (3) prior patent is found invalid by a court of competent jurisdiction; (4) prior patent is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; (5) prior patent has all claims canceled by a reexamination certificate or reissuance; and (6) prior patent is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making this disclaimer, Assignee reserves the right to extend the term of this patent for a period of delay, in the event the delay is defined by statute and/or regulation as allowing, or providing for, an extension of term.

The undersigned is empowered to act on behalf of the Assignee.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge to Deposit Account No. 50-3512 the fee of \$130.00 set forth in 35 CFR 1.20(d). The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with the filing of this paper to Deposit Account No. 50-3512.

Respectfully submitted,

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